

AMHERST Massachusetts

PLANNING BOARD

Report to Town Meeting

ARTICLE 26 500-502 SUNDERLAND ROAD REZONING (Planning Board)

To see if the Town will amend the Official Zoning Map to change the zoning district designation on Assessors Map 2A, Parcels 51 and 52 from Outlying Residence (R-O) and Low Density Residence/Farmland Conservation overlay (RLD/FC) to Village Center Residence (R-VC).

Recommendation

The Planning Board voted 3-2 to recommend that Town Meeting adopt this article and rezone the property as proposed.

The majority of Planning Board members believed that land uses in this area (former BioShelter, Annie's Garden Center, Amherst Nursery) are already responding to increasing commercial and residential development in a growing 'village center' across the town line in Sunderland. Further, they concluded that this rezoning will allow appropriate and responsible development of these two properties and incrementally accommodate and encourage the longer-term evolution of a cross-border village center in advance of any village center planning. The long-term evolution of the village center at West Street and Pomeroy Lane in South Amherst—prior to any village center zoning being adopted there was cited as an example.

The minority expressed concern that no Amherst village center had been or was planned in this area, and that the normal range of village center characteristics (walkable streets, residential neighborhoods close to goods and services) that the R-VC District ordinarily responded to did not yet exist in this area, which was instead defined by a high-speed state highway (Route 116).

Background

This article began in 2007 as a rezoning request from Kenneth Bergstrom, the owner of two properties at 500-502 Sunderland Road at the northern boundary of Amherst. Mr. Bergstrom first made this rezoning request for the Fall 2008 Special Town Meeting, but scheduling problems prevented him from attending public hearings. As a result, the information before the Planning Board was incomplete, and the Board requested that Town Meeting refer the article back for further consideration.

The two properties, which total approximately 15 acres, had for some years been used for aquaculture in several open ponds and a combined aquaculture/hydroponics operation in the former BioShelter facility that simultaneously raised tilapia (a fast-growing African fish) and basil. The current zoning on the two subject properties includes a 200 foot deep strip along Route 116 (Sunderland Road) of Outlying Residence (R-O). The remainder of the backland of the two properties is in Low Density Residence with a Farmland Conservation (RLD/FC) overlay.

Very little land area on the two properties is buildable because of the limitations imposed by environmental regulations protecting the extensive wetlands. One of the few buildable areas is the existing 40,000 sq. ft. concrete pad on which the now-derelict BioShelter structure sits. The current residential zoning districts do not allow multi-unit buildings. Even with wetlands taken into consideration, the current residential zoning would allow approximately eight (8) lots/dwelling units on the combined two properties through a by-right subdivision process and Special Permits for a number of duplexes.

Mr. Bergstrom has spent several years trying to find a new aquaculture business to replace the BioShelter operation, without success. He has in the interim moved to Florida and wants to sell the property. In an attempt to find a financial viable use for the properties, he has explored the possibility of redeveloping the concrete pad with approximately eight condominium units in a multi-unit building to include upper floor dwelling units with parking and possibly shared office space underneath. Such a development would not preclude (but does not guarantee) continued aquaculture use of the ponds and other buildings on the rest of the property—under state law, any property of five acres or more can be used for agriculture, regardless of local zoning. Environmental regulations protect the farm ponds on the site from filling or alteration.

Development for a mixed-use residential/office building would remove the 40,000 sq. ft. pad from potential future use for a support structure for other agricultural activity. The Agricultural Commission has expressed concern about the potential impact of any proposed mixed use development on agricultural use of the property, and the lost opportunity to reuse the concrete pad for other agricultural purposes—a building for processing agricultural produce, for instance.

In terms of traffic and interaction with Route 116, Mr. Bergstrom argued that this property is on the PVTA bus line, and that safe access to public transit for new residents or office users of the property could be accommodated by bringing the bus into the site to drop off and pick up passengers.

Why Village Center Residence (R-VC)?

After reviewing residential zoning districts in terms of the levels of residential density, types of residential buildings, and mixes of uses allowed, Mr. Bergstrom requested that his two properties be rezoned to Village Center Residence (R-VC). The R-VC District is defined as follows in the Zoning Bylaw:

The purpose of the R-VC District is to provide for residential neighborhoods, within and adjacent to village centers, that are of medium densities and that allow a limited mix of residential and office uses. The R-VC is, in general, intended to provide for a transition between the Business Village Center District and surrounding residential districts. [Section 2.01]

A Growing Cross-Border Village Center - Mr. Bergstrom asked to rezone his properties to R-VC because that zoning district permits multi-unit residential buildings (through a Special Permit), and because of the relationship between his two properties in Amherst and the historical pattern of zoning and development just over the town line in Sunderland. The next intersection north of the Sunderland town line is with Plumtrees Road. "Plum Trees" began as a small early crossroads village center for Sunderland—a place where several roads came together near Long Plain Brook. The brick house immediately west of the intersection of Route 116 and Plumtrees Road served as a tavern, inn, and post office for the center.

The area in Sunderland on both sides of Route 116 from the Amherst/Sunderland town line (the northern property boundary for one of the two Bergstrom properties) north to the intersection of Plumtrees Road has for decades been a Commercial I District allowing a mix of residential and highway business uses. Businesses in this area include Matusko Trucking, Bub's Bar-B-Q, a convenience store/gas station, a former gymnasium (recently acquired by a church that intends to maintain the gym use), an office building, and the headquarters for a national salmon hatchery. There are also five residential homes, several of which are rentals. The south side of Plum Trees Road west of Route 116 continues this zoning district for a short distance, and includes residential homes and an office building.

Between this last area and the swamp immediately north of the Bergstrom properties are a series of farm fields on which a 150 unit Comprehensive Permit apartment complex was proposed. Sunderland's Zoning Board of Appeals denied the application, the developer appealed, and the matter is now before the Massachusetts Land Court. Whether or not that Comprehensive Permit succeeds, the Plum Trees area immediately north of the Bergstrom properties has acquired many of the characteristics and uses (if not yet the design) of a village center, and continues to grow in that manner.

Spurring Other Development? - Questions had been raised in fall 2007 about the possibility that development of the Bergstrom property could create connections to other properties in Hadley or Sunderland that currently have no road frontage, resulting in additional development of back lands. Wetlands determinations made under a Comprehensive Permit application for an apartment complex on the adjacent property in Sunderland demonstrate that there is no possibility of developing a direct connection between that property and the Bergstrom property. A road connection between the Bergstrom property and a private property in Hadley immediately to the west is possible, but could be limited or prohibited under any permit application made for the Bergstrom property.

Public Hearing

The Planning Board held a public hearing on this rezoning proposal on March 5, 2008. Several citizens appeared in support of the request, indicating that it was an appropriate use of a property severely limited by environmental constraints and that the proposed rezoning was compatible with surrounding uses. The Board reviewed previous-raised concerns about traffic, impacts on wetlands, wildlife and farm uses, and the range of development that would be possible under the proposed rezoning. After further discussion, the Planning Board voted 3-2 to recommend that Town Meeting adopt this proposed rezoning.